

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

ESPN, INC.,

Plaintiff,

- VS -

QUIKSILVER, INC.,

Defendant.

CIVIL NO.: 08 Civ. 4222 (CM) (MHD)

**NOTICE OF MOTION TO  
DISMISS COUNTERCLAIMS  
TWO, THREE, FOUR, AND FIVE**

QUIKSILVER, INC.,

Counterclaimant,

- VS -

ESPN, INC.,

Counterdefendant.

**NOTICE OF MOTION TO DISMISS COUNTERCLAIMS TWO,  
THREE, FOUR, AND FIVE**

PLEASE TAKE NOTICE, that upon the Memorandum of Law in Support of Plaintiff-Counterdefendant ESPN, Inc.'s ("ESPN") Motion to Dismiss, ESPN, through its undersigned counsel, moves this Court for an Order dismissing Counterclaims Two, Three, Four, and Five of Quiksilver, Inc.'s Counterclaim pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted.

Dated: New York, New York  
July 23, 2008

NIXON PEABODY LLP

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